ORDER SHEET
ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No. 4850 of 2025

Malik Javed Iqbal
Vs.
Federation of Pakistan, etc

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	20.11.2025	Mr. Tahir Habib Kiani, Advocate for the petitioner.

Khadim Hussain Soomro, J: - Through this writ petition, the petitioner seeks the following relief:-

> " It is, therefore, respectfully prayed that this Hon'ble Court may very graciously be pleased;
>
> a. To accept the writ petition,
> b. Set aside the act of sealing of the shop, and direct the respondents to de-seal the shop, in the best interest of justice; and
> c. Declare that impugned notice dated 31.10.2025 is illegal, unlawful and without any lawful justification and set aside the same.
>
> Any other relief which this Hon'ble Court may deem fit and proper may also be awarded in favour of the petitioner and against the respondents.

2. At the very outset, learned counsel for the petitioner submits that the act of sealing of the shop is without any lawful authority being unjustified, on the basis of malafides; that there is no provision for sealing the premises/shop in Islamabad Rent Restriction Ordinance, 2001 and respondents have no authority whatsoever to seal the shop/rented premises under the applicable rules and regulations.

3. Arguments heard, record perused.

4. Perusal of the record reveals that the petitioner was allotted shop No. 683/1 situated in Aabpara Market, Islamabad, and the lease period expired on 30 June 2025. The petitioner had obtained the said shop on the basis of a lease which was valid up to 30.06.2025. Prior to the expiry of the lease, the respondent issued a

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notice dated 13.06.2025 directing the petitioner to hand over vacant possession of the shop to the concerned authorities. However, the petitioner did not vacate the premises upon the expiry of the lease on 30.06.2025. Subsequently, another notice dated 31.10.2025 was issued, yet possession of the shop continued remained with the petitioner.

5. The record further reflects that the petitioner instituted a civil suit before the learned Senior Civil Judge West, Islamabad, in respect of the aforesaid shop. The plaint was rejected under Order VII Rule 11 of the Code of Civil Procedure. Aggrieved by the said rejection, the petitioner preferred an appeal bearing No. 147795, which was also dismissed vide order dated 27.10.2025. Upon conclusion of this round of civil litigation, the petitioner thereafter filed an appeal under Section 15 of the Abandoned Properties (Amendment) Act 1975, challenging the impugned notice before the Board of Trustees, Abandoned Properties Organization, Cabinet Division, Islamabad, which is presently pending adjudication. Since an appeal is already pending before the competent statutory forum, it is open to the petitioner to seek all permissible relief against the impugned notice before the said appellate authority, and this Court is not required to intervene at this stage in the exercise of its constitutional jurisdiction.

6. According to the rule of jurisdictive prudence, the courts usually exercise restrain to the direct the parties first to take the recourse of an alternate remedy and or equally effective mechanism and framework of remedy provided rather than to take departure to surpass or circumvent such remedy, but in the instant matter, the petitioner's appeal is pending for adjudication before the competent forum, let it to decide the same in accordance with the law. Reliance can be placed in the case of the Government of Punjab through the Secretary, Schools Education Department, Lahore and others v. Abdur Rehman and others (2022 SCMR 25).

7. In view of the above discussion and keeping in mind that the petitioner has already availed the statutory remedy provided under the law and his appeal is pending before the competent appellate

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forum, no ground is made out for interference in the constitutional jurisdiction of this Court at this stage. The petitioner may pursue all available remedies before the said forum. Consequently, this petition is ***dismissed in limine.***

(Khadim Hussain Soomro)
JUDGE

S.Akhtar

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